

EXHIBIT “F”

LOCAL LAW NO. **1-2001**

JANUARY 22, 2001

**A LOCAL LAW
AMENDING §130-9, §130-10 AND
RELATED SECTIONS REGARDING
SPECIAL PERMIT USES AND
STANDARDS FOR EDUCATIONAL INSTITUTIONS
IN THE VILLAGE OF POMONA**

WHEREAS, it has come to the attention of the Board of Trustees that the provisions in the Pomona Code relating to standards for the development of Educational Institutions within the village are inadequate; and

WHEREAS, the Board of Trustees has consulted with the planning consultants for the village and has reviewed various standards imposed by the State of New York and otherwise;

NOW, THEREFORE, on motion of Trustee, Nick Sanderson, duly seconded by Trustee, Ian Banks,

BE IT ENACTED by the Board of Trustees of the Village of Pomona, New York, as follows:

Section 1: §130-4, "Terms Defined", the definition for the term "School" is hereby amended to read:

SCHOOL – An educational institution, public or private, giving regular instruction for grades between kindergarten and 12th grade at least five days a week for seven months or more in each year and having a curriculum approved by the Board of Regents or the New York State Education Department (but not including any institution with a dormitory).

Section 2: §130-4, "Terms Defined", is hereby amended by the addition of the following:

EDUCATIONAL INSTITUTION -- Any school or other organization or institution conducting a regularly scheduled comprehensive curriculum of academic and/or alternative vocational instruction similar to that furnished by kindergartens, primary or secondary schools and operating under the Education Law of New York State, and duly licensed by the State of New York.

Section 3: §130-10 of the Pomona Code is hereby amended to read:

The following uses are permitted in the R-40 District by special permit only, to be reviewed, approved, or disapproved by the board set forth in each subsection:

- A. By the Zoning Board of Appeals: Recreational facilities; playgrounds, swimming clubs, tennis courts and recreational buildings not conducted as a business enterprise, provided that no building, pool, spectator or active play area erected under the provisions of this subsection shall be so erected nearer than 50 feet to any lot line, and provided that the following operations shall be prohibited:**
- B. By the Board of Trustees: Reservoirs on lots of three acres or more, and water towers and water tanks owned and operated by a public utility, which water tank or water tower is located at or above ground, on lots of three acres or more.**
- C. By the Zoning Board of Appeals: Telephone exchanges and public utility substations, communications centers for emergency and(etc., etc...)**

Section 4: §130-10 of the Pomona Code is hereby amended by the addition of sub-section "F", which shall provide as follows:

F. Educational Institutions, as defined in §130-4 of this chapter, subject to special permit approval by the Village Board of Trustees, and site plan approval by the planning board, provided that all of the following standards and requirements apply:

(1) Minimum Net Lot Area

- (a) The minimum lot area for an educational institution shall be 10 acres, plus an additional 0.05 acre for each pupil enrolled.**

(b) No portion of any land under water shall be counted toward the minimum net lot area. Not more than one-fourth of any land which is defined as wetland by the U.S. Army Corps. of Engineers or which is within a 100 year frequency flood plain or within a utility or drainage easements or rights-of-way, shall be counted toward the minimum lot area.

(c) No portion of any land with unexcavated slopes over 35% shall be counted toward the minimum net lot area. Not more than one-fourth of any land with unexcavated slopes greater than 15% but less than 35% shall be counted toward the minimum lot area.

(2) Maximum Development Intensity.

(a) The total building coverage shall not exceed ten percent of the net lot area.

(b) The total floor area of the building(s) shall not exceed twenty percent of the net lot area.

(c) The total coverage of impervious surfaces (which includes all buildings and structures, parking areas, driveways, sidewalks and other areas covered in concrete, asphalt or packed stone) shall not exceed twenty-five percent of the net lot area.

(3) Required Road Frontage and Access – All educational institutions shall have at least 250 feet of frontage on a State or County Highway, and provide sufficient and safe access to that highway.

(4) Required Setbacks and Screening - All buildings, structures and other property use (including ballfields and other similar uses) shall be set back at least one hundred twenty five (125) feet from property lines. Such setback area shall include a buffer screening area at least 35 feet in width along every property line which

contains such numbers, types, and arrangement of plantings, fencing or other buffer screening material, which in the judgment of the Planning Board, will be adequate to screen the use from adjoining properties and roadways.

(5) Required Parking.

(a) The following number of off-street parking spaces shall be provided:

1 space per employee plus 1 per each 8 students in the 12th grade, or 1 per 4 seats of public assembly area, whichever is greater.

(b) The applicant shall be permitted to forego the initial improvement of required parking spaces if it is proven, to the satisfaction of the Planning Board, that such spaces are not needed based on the parking demands of the proposed use. In such case, the approved site plan shall show the location(s) on the site where such unimproved spaces could be provided and will be reserved for improvement and use in the future. If determined necessary by the Planning Board, the reserved parking spaces shall be constructed in accordance with the approved site plan within 6 months after written notice is provided by Building Inspector to the property owner stating that the improvement of all or a portion of the reserved parking spaces is necessary. All unimproved parking spaces shall be used and maintained as landscaped grounds until used for parking.

(6) Noise and Exterior Lighting.

(a) The sources of exterior lighting shall be so shielded that they are not visible beyond the boundaries of the lot on which they are located.

(b) No outdoor public address systems shall be permitted.

(7) Signage - One monument sign, limited to 8 square feet in area and set back 10 feet from lot lines, may be placed at the main entrance to the school.

(8) **Public Water and Sewer.** The site shall be served by public water and sewer.

(9) **Application procedure** - An application for approval of a special permit for an educational institution shall be submitted on the relevant forms to the Board of Trustees for special use permit. The Board of Trustees shall refer the matter, as required by this subsection and the Code, to the planning board for site plan and other approval. In addition to planning board approvals set forth in subsection F. (4) and (5)(b) hereof, site development plan approval by the Village of Pomona Planning Board, in accordance with Chapter 119 and all other applicable provisions of this Code, shall be required.

(10) **Additional special permit standards** that may be imposed by the Village Board of Trustees which, in its opinion, would avoid or minimize traffic hazards, drainage and other environmental matters, impairment of the use or enjoyment of property in the surrounding area, or other impacts on surrounding areas.

Section 5: §130-9A. (4) and §130-9B of the Code of the Village of Pomona are hereby repealed.

Section 6: This Local Law shall take effect immediately upon its being filed in the office of the Secretary of State of the State of New York.

AYES: 3

NAYS: 0

ABSTENTIONS: 0

ABSENT: 1

ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES HELD THE 22nd DAY OF JANUARY, 2001.